

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

COUNTY

ATTORNEY(S): Kathleen A. Zebrowski AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2710
 ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

JAMES RUSSO,
VS.
MP222 LLC, et al.,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

CHRIS J. PSZCZOLA, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On August 16, 2007 at 8:17 PM at 29-01 AMBOY ROAD STATEN ISLAND, NEW YORK 10306, deponent served the within

Answer, Counterclaim, Crossclaim and Third-Party Complaint

with Index Number 07 Civ. 5469 (WHP), and Date Purchased endorsed thereon,
 on: **JAMES A RUSSO**, Plaintiff therein named.

#1 INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION By delivering to and leaving with _____ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON By delivering a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business [X] dwelling house (place of abode) within the state.

#5 MAIL COPY On August 20, 2007, deponent completed service under the last two sections by depositing a copy of the Answer, Counterclaim, Crossclaim and Third-Party Complaint to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the 8 day of August, 2007 at 2:28 PM
 on the 9 day of August, 2007 at 7:43 AM
 on the 16 day of August, 2007 at 8:17 PM
 on the _____ day of _____ at _____

#6 NON-SRVC After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other: _____

#7 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
 Sex _____ Color of skin _____ Color of hair _____ Age _____ Height _____

(use with #1, 2 or 3) Weight _____ Other Features: _____

#8 WIT. FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARYSRVC Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.

#10 OTHER SERVED AS LAST KNOWN ADDRESS PER ATTORNEY. PERSON AT ADDRESS CLAIMED THEY NEVER HEARD OF JAMES RUSSO.

Sworn to before me on this 20 day of August, 2007

BARBARA A. SHURGIN
 NOTARY PUBLIC, State of New York
 No. 30-5004737, Qualified to Nassau County
 Commission Expires November 23, 2010

CHRIS J. PSZCZOLA
 Server's Lic # 1218683
 Invoice•Work Order # 0737854